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19 Sun Microsystems, Inc.

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21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
23 SAN FRANCISCO DIVISION

24 NETWORK APPLIANCE, INC.,

25 CASE NO. C-07-6053 EDL

26 Plaintiff-Counterdefendant,

27 **STIPULATED DISMISSAL WITHOUT
28 PREJUDICE AND [PROPOSED] ORDER**

v.

29 SUN MICROSYSTEMS, INC.,

30 Defendant-Counterplaintiff.

31 Plaintiff-Counterdefendant NetApp, Inc. and Defendant-Counterplaintiff Oracle America,
32 Inc. (formerly Sun Microsystems, Inc.), by and through their attorneys, hereby stipulate and agree
33 that this action is hereby **DISMISSED WITHOUT PREJUDICE** in its entirety, each party to
34 bear its own fees and costs.

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1 Dated: September 8, 2010.

WEIL, GOTSHAL & MANGES LLP

2
3 By /s/ Edward R. Reines

4 MATTHEW D. POWERS

5 EDWARD R. REINES

6 JEFFREY G. HOMRIG

7 JILL J. HO

8 Attorneys for Plaintiff and Counter-defendant
9 NETAPP, INC.

10 Dated: September 8, 2010

11 DLA PIPER LLP (US)

12 By /s/ Mark D. Fowler

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19 Attorneys for Defendant and Counterplaintiff
20 ORACLE AMERICA, INC.

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23 **ORDER**

24 IT IS HEREBY ORDERED THAT this action is dismissed without prejudice in its
25 entirety and that each party will bear its own fees and costs.

26 DATED: September 9, 2010

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29 HONORABLE ELIZABETH D. LAPORTE
30 United States Magistrate Judge